

microwave radiation. Heating and infra-red radiation do not use any such beam, and, consequently, such process cannot be used to form the products of the instant application. See also pages 2 to 5 of the instant application which discuss the fact that chemical vapor infiltration and other known methods cannot make metal/ceramic composites having integrally formed therewith at least one metallic element without damaging or destroying the metal.

Thus, the product of claims 19 to 22 cannot be made by the methods set forth by the Examiner. If the Examiner persists in his position, he is requested to make of record evidence showing metal/ceramic composites as claimed which can be made by heating or infra-red radiation without destroying or adversely affecting the metal portion of the composite.

Second, the product claims discussed above which require the use of a beam would, of necessity, have to be searched in class 264, subclass 432, the same as the process claims of Group I. There is, thus, no separate search.

Third, since an examination of the process and product claims would require a search be made in the same class and subclass, it would not be a serious burden on the Examiner to examine all the claims on the merits. The Examiner's attention is directed to the second paragraph of Section 803 of the MPEP, which states:

“If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” (Emphasis added)

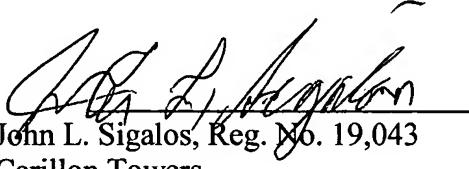
Lastly, the assignee of the instant application is a small entity with limited financial

resources. The Patent Office fees and attorneys' fees required to prosecute a separate application would be unduly burdensome.

For these reasons, it is respectfully requested that the restriction requirement be withdrawn and an action be promptly issued on the merits of all the claims in this application.

Respectfully submitted,

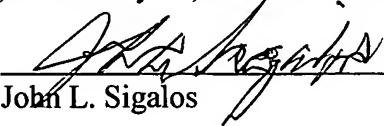
January 10, 2006


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CERTIFICATE OF MAILING

I hereby certify that the above-noted paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 10, 2006 as first above noted.

Date: January 10, 2006


John L. Sigalos